

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 5798

IN THE MATTER OF:

Served January 25, 2000

Application to Transfer )  
Certificate No. 201 from MDR )  
TRANSPORTING SERVICE, )  
INCORPORATED, to ROOP )  
TRANSPORTATION SERVICES, INC. )

Case No. AP-2000-09

By application accepted for filing January 21, 2000, MDR Transporting Service, Incorporated, WMATC Carrier No. 201, (MDR), and Roop Transportation Services, Inc., a Maryland corporation, (Roop), seek Commission approval to transfer a substantial part of MDR's assets, including Certificate No. 201, to Roop. The application states that MDR's sole shareholder, Mildred D. Roopnaraine, owns ninety percent of Roop.

Roop proposes to commence operations with one wheelchair van. Roop's tariff contains per capita rates.

Under Article XI, Section 11(a), and Article XII, Section 3(a)(ii), of the Compact, the Commission may approve the transfer of assets from a WMATC carrier to another carrier, including a WMATC certificate of authority, if the Commission finds the transfer to be in the public interest. The public interest analysis normally focuses on the acquiring party's fitness, the resulting competitive balance and the interests of affected employees.<sup>1</sup> In this case, however, competition is not an issue inasmuch as transferring assets from one member of a controlled family to another will not increase the controlling party's market share, which is the primary concern when assessing the effect of common control on competition.<sup>2</sup>

This proceeding is hereby initiated to determine Roop's fitness and the impact of the transfer on affected employees.

THEREFORE, IT IS ORDERED:

1. That applicants shall publish once in a newspaper of general circulation in the Metropolitan District, no later than February 8, 2000, notice in the form prescribed by the staff of the Commission.

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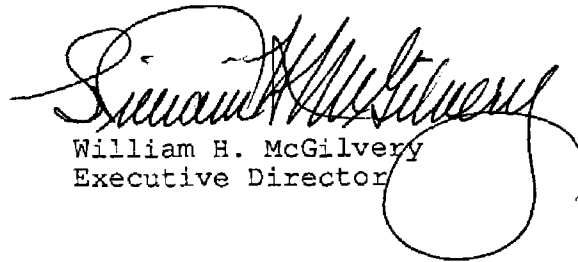
<sup>1</sup> In re Cavalier Transp. Co., Inc., t/a Tourtime America, Ltd. & Tourtime America Motorcoach, Ltd., No. AP-96-21, Order No. 4926 (Sept. 12, 1996).

<sup>2</sup> In re Safai Management Company, Inc., t/a Para-Med Wheelchair Transportation, & Paramed Medical Transportation, Inc., No. AP-99-30, Order No. 5617 (May 26, 1999).

2. That applicants shall file with the Commission, no later than February 29, 2000, an original and four copies of an affidavit that notice has been published as required in the preceding paragraph.

3. That the deadline for filing protests, comments, applications for intervention, and requests for formal hearing, is February 29, 2000, and that copies must be served on Roop's attorney, Robert B. Walker, Esquire, P.O. Box 1396, Herndon, VA 20172-1396.

FOR THE COMMISSION:



William H. McGilvery  
Executive Director